UNITED STATES PATENT AND TRADEMARK OFFICE

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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 March 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   Claims 1, 4-6, 10-12, 19, and 27 are currently amended. Claim 2 is cancelled. Claims

3, 7-9, 13-18, 20-26, and 28-29 are original.

Claim Rejections - 35 USC § 112

The following is a quotation of the fourth paragraph of 35 U.S.C. 112:

> Subject to the following paragraph, a claim in dependent form shall contain a reference to
> a claim previously set forth and then specify a further limitation of the subject matter
> claimed. A claim in dependent form shall be construed to incorporate by reference all the
> limitations of the claim to which it refers.

2.   Claims 25 and 26 rejected under 35 U.S.C. 112, fourth paragraph as failing to

incorporate by reference all the limitations of the claim to which it refers.

Claims 25 and 26 are drawn, respectively, to a system configured to perform and a

storage medium storing a computer program for performing the method recited in claim 1. The

test for a proper dependent claim is whether the dependent claim includes every limitation of the

parent claim. A proper dependent claim shall not conceivably be infringed by anything which

would not also infringe the basic claim ("infringement test"). The claims fail the "infringement

test" since one may own a system or a storage medium without actually performing their

underlying methods. In order to overcome the rejections, the claims should be rewritten in

independent form.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Examiner's note: Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

3.   Claims 1, 3-5, 8, 16-17, 20, 22, 25-29 rejected under 35 U.S.C. 103(a) as being

unpatentable over Checchio (US Pat No. 6,052,675) in view of Yellowpages.com ("Orix Global

Communications Launches New Web Site, www.yellowpages.com").

4.   Regarding claims 1 and 25-29,

        Checchio teaches authenticating a user at a server via a device of the user while the

user is at an online or offline sites of the merchant; transmitting via the server activation

information for activating a reusable, preexisting, unaltered, and permanent credit or debit card

account number of the user from the user device to a financial institution for processing financial

transactions, while the user is authenticated and based on a selection of the merchant by the

user on the server (see FIG 1A, step S9) ; submitting a payment request including the reusable,

pre-existing, unaltered and permanent credit or debit card account number to the financial

institution from the merchant, while the reusable, pre-existing, unaltered and permanent credit

or debit card account number is activated (see FIG 1B, step S15); and de-activating the

reusable, pre-existing, unaltered and permanent credit or debit card account number after the

payment request is processed by the financial institution, wherein the financial institution only

accepts and processes payment requests received from merchants while the reusable, pre-

existing, unaltered and permanent credit or debit card account number is activated, and the

financial institution declines payment requests while the reusable, pre-existing, unaltered and permanent credit or debit card account number is deactivated (see abstract).

Cheechio does not teach providing via a server an identification of both online and offline merchants for selection by a user.

Yellowpages.com (www.yellowpages.com) teaches providing via a server an identification of both online and offline merchants for selection by a user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the preauthorization system of Checchio with providing via a server an identification of both online and offline merchants for selection by a user as taught by yellowpages.com. One skilled in the art would have been motivated to make the modification for the benefit of convenience.

5.   Regarding claim 3,

Checchio further comprises authenticating the user with the user device (see abstract).

6.   Regarding claim 4,

Checchio teaches transmitting activation information to the financial institution when the user logs into the server but does not teach automatically doing so upon the user logging into the server. The limitation does not distinguish the invention over the prior art because it is merely automating a manual activity which was old and well known in the art at the time of invention (see *In re Venner*, 120 USPQ 192, 194; 262 F2d 91 (CCPA 1958)).

7.   Regarding claim 5,

Checchio teaches wherein the result of the processing of the financial transaction is

transmitted to the user via the server (see FIG 1B steps S19 and S17).

8.   Regarding claim 8,

Checchio further teaches wherein the activation information is transmitted from the user

device to the financial institution (see abstract).

9.   Regarding claim 16,

Checchio further teaches authenticating the user based on at least one of: user name

and password, biometric information of the user, and authentication of the user based on

personal identification number information of the user (see abstract).

10.   Regarding claim 17,

Checchio further teaches wherein the deactivating of the reusable, preexisting, unaltered

and permanent credit or debit card account number is performed at the financial institution after

the processing of the payment request (see abstract).

11.   Regarding claim 20,

Checchio further teaches transmitting a credit or debit card account number from a user

device to a device of the merchant for processing the payment request (see FIG 1A step S1).

12.   Regarding claim 22,

Checchio teaches reading the reusable, preexisting, unaltered and permanent credit or

debit card account number from a card via a card reader device of the merchant for processing

the payment request (see column 5 lines 13-28). Checchio teaches "the vendor places a call, or otherwise communicates, to the network authorization database at step S15 and provides the credit card number and vendor data to the network authorization database." Examiner asserts that it would have been within the knowledge of one of ordinary skill in the art at the time of invention that "otherwise communicates" includes a card reader device.

13.   Claims 6, 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio in view of Yellowpages.com, further in view of Luneau (US Pat No. 5,848,161).

14.   Regarding claim 6,

Checchio teaches transmitting the activation information from the user device to the financial institution but does not explicitly teach transmitting the activation information from the user device to the server, then transmitting the activation information from the server to the financial institution.

Luneau teaches transmitting information from a user device to the server, then transmitting the activation information from the server to a financial institution (see column 3, lines 13-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the preauthorization system of Checchio further with wherein the activation information is transmitted from the user device to the server, and the method further comprises transmitting the activation information from the server to the financial institution. One skilled in the art would have been motivated to make the modification for the benefit of convenience.

15.   Regarding claim 21,

Checchio does not explicitly teach storing the reusable, preexisting, unaltered and

permanent credit or debit card account number on the user device via a secure mechanism.

Luneau teaches using secure mechanisms for storing the data on a user device (see

column 3 lines 13-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify the preauthorization system of Checchio further with storing the reusable,

preexisting, unaltered, and permanent credit or debit card account number on the user device

via a secure mechanism, as taught by Lunaeu. One of ordinary skill in the art would have been

motivated to make the modification for the benefit of increased security.

16.   Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio in view of

Yellowpages.com, further in view of Lunaeu, further in view of Malek (US Pat No. 4,920,567).

17.   Regarding claim 7,

Checchio teaches wherein the activation information is transmitted as a telephone

communications message but does not explicitly teach a secure telephone communications

message.

Malek teaches securing telephone communications (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify the pre-authorization system of Checchio further with wherein the activation

information is transmitted as one of a secure signal, an encrypted e-mail message, a secure

facsimile message, a secure wireless communications message, a secure telephone

communications message, a secure SMS message, and a secure web services message, as

taught by Malek. One skilled in the art would have been motivated to make the modification for the benefit of increased security.

18.   Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio in view of Yellowpages.com, further in view of Malek.

19.   Regarding claim 9,

Checchio teaches wherein the activation information is transmitted as a telephone communications message but does not explicitly teach a secure telephone communications message.

Malek teaches securing telephone communications (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the pre-authorization system of Checchio further with wherein the activation information is transmitted as one of a secure signal, an encrypted e-mail message, a secure facsimile message, a secure wireless communications message, a secure telephone communications message, a secure SMS message, and a secure web services message, as taught by Malek. One skilled in the art would have been motivated to make the modification for the benefit of increased security.

20.   Claims 10, 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio in view of Yellowpages.com, further in view of McAllister (US Pat No. 5,513,250).

21.   Regarding claim 10,

Checchio teaches using a personal identification code (PIC) in the authenticating step but does not explicitly teach creating a unique user name and password for the user at the server; and using the unique user name and password in the authenticating step.

McAllister teaches authenticating by unique user name and password (see column 12 lines 40-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the authenticating step of Checchio with authenticating by unique user name and password. One skilled in the art would have been motivated to make the modification because it is the simple substitution of one known element for another to obtain predictable results, the predictable results being increased security.

22.   Regarding claim 11,

Checchio does not teach deactivating the reusable, pre-existing, unaltered and permanent credit or debit card account number (i) a predetermined amount of time after the user is authenticated or (ii) after the user goes offline from the server.

McAllister teaches deactivating preauthorization of a transaction a predetermined amount of time after the user is authenticated (see column 3 lines 1-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the preauthorization system of Checchio with deactivating the reusable, pre-existing, unaltered and permanent credit or debit card account number (i) a predetermined amount of time after the user is authenticated or (ii) after the user goes offline from the server. One skilled in the art would have been motivated to make the modification for the benefit of increased security.

23.   Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio in view

of Yellowpages.com, further in view of Northington (US Pat No. 6,128,602).

24.   Regarding claim 18,

        Checchio does not teach wherein the financial institution includes web services for

processing the activation information and the user device is enabled to access the web services

of the financial institution for transmitting the activation information.

        Northington teaches providing web services and transmitting information via web

services (see column 3 line 62 – column 4 line 7).

        Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify Checchio further with the user device submitting the activation information

via web services provided by the financial institution, as taught by Northington. One skilled in

the art would have been motivated to make the modification for the benefit of convenience.

25.   Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio in view

of Yellowpages.com, further in view of Northington, further in view of Lunaeu.

26.   Regarding claim 19,

        Northington teaches providing web services and transmitting information via web

services (see column 3 line 62 – column 4 line 7 and rejection of claim 18 above). Checchio

teaches transmitting the activation information from the user device to the financial institution

but does not explicitly teach transmitting the activation information from the user device to the

server, then transmitting the activation information from th e server to the financial institution.

Luneau teaches transmitting information from a user device to the server, then

transmitting the activation information from the server to a financial institution (see column 3,

lines 13-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify the preauthorization system of Checchio further with wherein the financial

institution includes web services for processing the activation information, the user device is not

enabled to access the web services of the financial institution, and the method further

comprising the user device accessing the server, which accesses the web services of the

financial institution for processing the activation information. One skilled in the art would have

been motivated to make the modification for the benefit of convenience.

27.   Claim 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio in view

of Yellowpages.com, further in view of Pickering (US Pat No. 5,483,445).

28.   Regarding claim 23,

Checchio does not explicitly teach the payment requests comprising partial payment

requests and the method further comprising processing the partial payment requests and

generating subsequent activation information for processing remaining payments.

Pickering teaches partial payment requests and generating subsequent information for

processing remaining payments (see column 8 lines 43-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify the preauthorization system of Checchio further with the payment requests

comprising partial payment requests and the method further comprising processing the partial

payment requests and generating subsequent activation information for processing remaining

payments. One skilled in the art would have been motivated to make the modification for the

benefit of convenience.

29.   Claims 12, 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio in

view of Yellowpages.com, further in view of Flitcroft.

30.   Regarding claim 12,

Checchio does not explicitly teach creating a unique credit or debit card with a limited

available balance based on the reusable, pre-existing, unaltered and permanent credit or debit

card account number of the user; and allowing the user to execute financial transactions subject

to the available balance using the unique credit or debit card in place of the reusable, pre-

existing, unaltered and permanent credit or debit card account number.

Flitcroft teaches creating a unique credit or debit card with a limited available balance;

and allowing the user to execute financial transactions subject to the available balance using the

unique credit or debit card in place of the reusable, pre-existing, unaltered and permanent credit

or debit card account number, (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention, to modify the preauthorization system of Checchio further with creating a unique

credit or debit card with a limited available balance based on the reusable, pre-existing,

unaltered and permanent credit or debit card account number of the user; and allowing the user

to execute financial transactions subject to the available balance using the unique credit or debit

card in place of the reusable, pre-existing, unaltered and permanent credit or debit card account

number, as taught by Flitcroft. One skilled in the art would have been motivated to make the

modification for the benefit of increased security.

31.   Regarding claim 13,

Checchio teaches transmitting activation information to the financial institution for

processing of the payment request, wherein the financial institution processes online and offline

payment requests received from merchants while the unique credit or debit card is activated and

declines payment requests while the unique credit or debit card is deactivated (see abstract).

32.   Claim 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio in view

of Yellowpages.com, further in view of Flitcroft, further in view of Pickering.

33.   Regarding claim 14,

Checchio does not explicitly teach the payment requests comprising partial payment

requests and the method further comprising processing the partial payment requests and

generating subsequent activation information for processing remaining payments.

Pickering teaches partial payment requests and generating subsequent information for

processing remaining payments (see column 8 lines 43-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify the preauthorization system of Checchio further with the payment requests

comprising partial payment requests and the method further comprising processing the partial

payment requests and generating subsequent activation information for processing remaining

payments. One skilled in the art would have been motivated to make the modification for the

benefit of convenience.

34.   Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio in view

of Yellowpages.com, further in view of Flitcroft, further in view of Lawlor.

35.   Regarding claim 15,

        Checchio does not teach the payment requests comprising recurring payment requests

and the method further comprises processing the recurring payment requests including

generating subsequent activation information for processing the recurring payments.

        Lawlor teaches preauthorizing recurring payment requests (see column 34 lines 29-35).

        Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify the preauthorization system of Checchio further with the payment requests

comprising recurring payment requests and the method further comprises processing the

recurring payment requests including generating subsequent activation information for

processing the recurring payments. One skilled in the art would have been motivated to make

the modification to accommodate for varying payment types. The modification is merely

applying a known technique to improve a similar method in the same way.

36.   Claim 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio in view

of Yellowpages.com, further in view of Lawlor.

37.   Regarding claim 24,

Checchio does not teach the payment request comprising a recurring payment request

and the method further comprising processing the recurring payment request including

generating subsequent activation information for processing recurring payments.

Lawlor teaches preauthorizing recurring payment requests (see column 34 lines 29-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify the preauthorization system of Checchio further with the payment requests

comprising recurring payment requests and the method further comprises processing the

recurring payment requests including generating subsequent activation information for

processing the recurring payments. One skilled in the art would have been motivated to make

the modification to accommodate for varying payment types. The modification is merely

applying a known technique to improve a similar method in the same way.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant

is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

     Any inquiry concerning this communication or earlier communications from the examiner

should be directed to ERIC T. WONG whose telephone number is 571-270-3405. The

examiner can normally be reached on Monday-Friday 9:00AM-5:00PM.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James A. Kramer can be reached on 571-272-6783. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

     Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/   ERIC T. WONG
Supervisory Patent Examiner, Art Unit 3693   Examiner
                                                                        Art Unit 3693

May 9, 2008